



## Must a Married Woman get her Husband's Permission to Give a Large Donation?

### Does a Married Woman's Money Belong to Her Husband?

We have a new custom in the Bat Ayin Central Synagogue – a practice upon which my husband frowns. Prior to the Torah reading during the High Holiday Services, when the gabbai (beadle) conducts an auction for the various honors of the Torah service, women participate equally with men in pledging their donations. Sure, women aren't called to the Torah, in our Orthodox community. Yet, having paid for this honor, they are free to hand it over to whoever they please. They also benefit from the gabbai's blessing following the Aliyah to the Torah, that they 'bought.' What's bothering my husband about women giving pledges for tzedakah and thereby increasing the Synagogue's donations? Being well versed in the old-school halacha, he holds that a married woman's money belongs to her husband, and therefore, she is only permitted to donate with her husband's consent. I, personally, have endured the consequences of such conviction during my annual speaking tours, where I, thankfully, have been bringing home large sums of money, to support Holistic Torah for Women. Yet, these amounts are gathered from numerous small checks, with the exception of a few substantial donations. Everyone has been telling me for years, that this phenomenon is because I mainly address women. In order to obtain larger donations, I must meet with men, who write the big checks. No doubt, this is the sociological reality within the *frum* community. Still, I dare to challenge those who hold that a married woman is only permitted to give small donations, without her husband's permission. Is this really the halacha today? What about the case where the wife is the main breadwinner, which is not so uncommon today? What if the wife received a large money gift or inheritance from her parents? It is hard to believe that she would need her husband's authorization to give the prescribed *ma'aser* (tithe). What if her husband is stingy but she is generous? Must she allow her husband to force her to act in a miserly way?

### Philanthropic Biblical Women

Women have been involved in philanthropy since times bygone. This includes Jewishly observant women. Going all the way back to the Bible, we have several examples of holy women who were praised for their generosity. These women did not need to ask their husband's permission, and in at least one example, the wife's donation was even against her husband's explicitly expressed will. When Naval – who was a lowlife, tightfisted, obstinate man – refused to support David and his men, who had watched over his sheep (I *Shmuel* 25:10-11), Avigail immediately compensated for his stinginess. "... Avigail hurried and took two hundred breads, two containers of wine, five cooked sheep, five se'ahs of roasted grain, a hundred raisin clusters, and two hundred cakes of pressed figs, and she put them on the donkeys..." (I *Shmuel* 25:18). The Torah praises Avigail, who held herself to the highest standards of conduct and was able to immediately assemble such a large gift, even against her husband's wishes., David did not hesitate to receive this substantial gift from her hand, though he well knew that it was given without her husband's consent. A less extreme example of a married woman's charity, is the Woman of Shunam – who was called אִשָּׁה גְדוֹלָה / *isha gedolah* – "A prominent woman" (II *Melachim* 4:8), on account of her wealth, good deeds and generosity (Malbim *ibid.*). She insisted to support Elisha, and convinced her husband to make a special furnished chamber for him (II *Melachim* 4:9-10). "She

was greater than all the other women in the world, because other women may be annoyed and distressed, when they see a guest in the home, and all the more so, they would not spend money on him. But she rejoiced with a guest and spent money on him" (*Zohar* 2:44a). When Elisha inquired how to reciprocate, before receiving a substantial donation, (*Ibid.* 11-14), his servant told him that the Shunamite woman was barren (*Ibid.* 14-15). Elisha then blessed her, "And he said, 'At this time next year, when you will be alive like now, you will be embracing a son...' And the woman conceived and bore a son, at this time a year later, which Elisha had spoken to her" (*II Melachim* 4:16-17). From this we learn, that it is specifically a woman's tzedakah and *hachnasat orchim* (welcoming guests) that merits having children.

### May Women Give Their Own Independent Donations?

In *Parashat Vayakhel*, we also see how women participated generously with their resources and handiwork in the construction of the Mishkan (Tabernacle):

#### ספר שמות פרק לה פסוק כה

וְכָל אִשָּׁה חֲכָמַת לֵב בְּיָדֶיהָ טוּוּ וַיָּבִיאוּ מִטּוֹה אֶת הַתְּכֵלֶת וְאֶת הָאַרְגָּמָן אֶת תּוֹלַעַת הַשָּׁנִי וְאֶת הַשֵּׁשׁ:  
 "Every wise hearted woman spun with her hands, and they brought spun material: blue, purple, and crimson wool, and linen" (*Shemot* 35:25).

If the women's donations had to be sanctioned by their husbands or fathers, then why is their contribution mentioned separately and not included in the general donations of all the Israelites? It seems that the Torah singles out the independent donations of the women as a role model for women throughout the generations, to be similarly inspired towards generosity and make their own independent donations. This contrasts with the words of the *Shulchan Aruch*, which clarify the prohibition to receive substantial donations from women:

שו"ע יורה דעה - סימן רמח גבאי צדקה אין מקבלין מהנשים ומהעבדים ומהתינוקות אלא דבר מועט אבל לא דבר גדול שחזקתו גזול או גנוב משל אחרים וכמה הוא דבר מועט. הכל לפי עושר הבעלים ועניותם והני מילי בסתמא אבל אם הבעל מוחה אפילו כל שהוא אסור לקבל מהם:

The charity gabbai, in collecting charity, should accept only a small amount from women, slaves, or children, and nothing big, which may be considered stolen from others. What amount is considered of small value depends upon the wealth or poverty of the master/husband. This applies to cases in general; but where the husband objects, it is forbidden to receive anything from them (*Shulchan Aruch, Yore Deah* 248).

This statement – which seems derogatory to women – is a hard pill to swallow for most contemporary women. Yet, keep in mind that this halacha pertains to the case when the husband earns the household money, and the wife wishes to donate some of it to tzedakah ([Rabbi Yitzchok Basser](#)). Furthermore, many husbands trust their wives to donate as their heart desires, except when they know that their wives can easily be swayed to give beyond the means of the family. In my opinion, before giving a substantial donation, it is proper for both husband and wife to consult with one another, so as not to cause dispute and disharmony within their marriage. This is the practiced custom in most households today. In any case, a married woman may give a small amount of her husband's money to tzedakah, without his knowledge. We assume that the husband allows her to do so. The size of this donation depends on the financial standing of the household. It is prohibited for a husband to prevent his wife from giving charity, to the degree that other women of similar financial status give, so that she doesn't become publicly known as stingy and miserly. If a husband prevents her from giving charity under such circumstances, the wife has a right to file for divorce. (*Maharam Mintz* 7; *Nachalas Shiva* 17:7; See also *Maharsham* 1:45, who writes that under such circumstances, somebody who receives charity from a wife is not obligated to return the donation). In the case where a husband is

miserly and shuns his obligation to give an appropriate amount of tzedakah, a woman – after having consulted the local Rav – is permitted to force her husband to give a certain amount, based on the extent of his wealth. She may compensate for his stinginess and give on behalf of the household, even without his knowledge (*Aruch Hashulchan, Yore Deah 248:11,13*). This concurs with Avigail's donation, which was against the will of her husband and behind his back.

### Halachic Authorities Sanctioning Women Making Substantial Donations

Whereas, the halachic issue pertaining to substantial donations from married women is disputed, several reputed halachic authorities do permit it, since most women today, conduct business dealings in the framework of the home economy. Therefore, they are permitted to give even large amounts to charity, because the donation to charity is included in the general permission she has regarding monetary matters (*Yam Shel Shlomo* citing *Raavan, (Bava Kama 10:59)*). Although it is the obligation of the husband to support his wife, a woman has the option to waive her right to be supported by her husband, in which case, she retains whatever she earns. If the wife supported her husband from the outset of their marriage, she definitely retains the money she earns (*Maharit Vol. 2 CM 67*), and subsequently may give charity as she pleases. When the wife's parents support the couple, it is a *machloket* (dispute) to whom the money belongs. According to one authoritative view, support given to the couple by the wife's parents is intended solely to be for the wife's benefit, and therefore it belongs to the wife (*Maharsham vol. 4, 92*). When a married woman earns her own income, especially if she is the main breadwinner of the family, several halachic authorities permit her to give whatever money she chooses to tzedakah. This is because, if she is the breadwinner, she can assume that her husband gives her permission to make any donations she wants. Even according to the view that the money is technically his, we presume that he gives her permission to donate as she sees fit. Otherwise, if he were to protest his wife's generosity, she might discontinue earning money (*Shevet Halevi Vol. 2, 118, quoting Maharshal*). I hope this explains why women, who have their own income, may make independent donation pledges, of any amount, in the Bat Ayin Central Synagogue, as well as anywhere else! Perhaps, after all, I won't have to meet with men, in order to get the big checks for Midreshet B'erot Bat Ayin!